

UNITED DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

AMY PHILBRICK, LLC.,)	
)	
Plaintiff,)	
)	Civil Action No: 06-cv-00254-JD
)	
v.)	
)	
S/V NIOBE, Official No. ME5800S,)	
her engines, machinery, equipment,)	
masts, etc., <i>in rem</i> ; and)	
)	
The Estate of Stephen Woods,)	
State of New Hampshire, and Deborah)	
Woods <i>in personam</i> ,)	
)	
Defendants.)	

ORDER FOR SALE

WHEREAS, the parties to this action have agreed that judgment may be taken against the defendants, which judgment may be satisfied from the sale of the S/V NIOBE, (Maine State Registration Number ME5800S) pursuant to Rule E(9)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims, and;

WHEREAS, defendant vessel was arrested by the United States Marshal in this proceeding in an *In Rem* action for enforcement of a maritime lien pursuant to 46 U.S. C. 31301, et seq., and

WHEREAS, process was served on defendant vessel on or about August 8, 2006, by the United States Marshal and a copy of the Complaint and Summons were served by the Marshal upon Deborah Woods, and

WHEREAS, no other person claiming an interest in defendant vessel, has secured the release of defendant vessel by posting a bond or other adequate security, it is after due deliberation:

ORDERED, that the United States Marshal for the District of New Hampshire be and is hereby authorized and directed to sell to the highest bidder at public auction the said S/V NIOBE, Official No. ME5800S, her engines, tackle, apparel, furniture, equipment, rigging, excepting any personal items belonging to Woods family members not appurtenant to the vessel, and all other necessities appurtenant thereto, at a time and date convenient to the U.S. Marshal's Service, at the premises of the substitute custodian, LORDCO PIER ASSOCIATES, upon the terms stated further in a notice of sale in the form annexed hereto, and it is further;

ORDERED, that said Marshal, at the request of any person interested, grant permission to said person or their representative to visit, board, inspect, examine and survey defendant vessel between 9:30 a.m. and 11:30 a.m. on the day set for the sale, provided the same shall be done at the sole expense and risk of any said person or their representatives and it is further;

ORDERED, that the attorney for plaintiff, if contacted by prospective buyers, may make arrangements through the substitute custodian that any such person or their representative be able to visit, board, inspect, examine and survey defendant vessel at any time between the date of this order and the date of the sale, provided the same be at the sole expense and risk of said person conducting such examination, inspection, or survey, and that such person signs a release to hold the United States Marshal harmless and it is further;

ORDERED, that counsel for plaintiff is further directed to cause to be published a notice of sale in the form annexed hereto, said notice shall be published at least once per week for two consecutive weeks prior to the date of the sale in the Portsmouth Herald;

ORDERED, that the United States Marshal shall require at said sale that the highest bidder deposit, with the United States Marshal on the day of sale, ten percent (10%) in certified check (no cash allowed) payable to the "United States Marshal for the District of New Hampshire;"

ORDERED, That the plaintiff shall be entitled to bid in at the sale an amount not to exceed the indebtedness represented by the judgment entered in its favor in this matter, without cash outlay, and;

ORDERED, That said public sale by the United States Marshal shall be subject to confirmation by the Court at a hearing to be held at the United States District Court at Concord, New Hampshire, on a date and time to be established, or on papers submitted;

ORDERED, that the United States Marshal for the District of New Hampshire, shall bring the proceeds of the sale into the Registry of the Court, and shall deposit the same with the Clerk thereof.

Dated at Concord, New Hampshire, this 25 day of July 2007.

/s/Joseph A. DiClerico, Jr.
Joseph A. DiClerico, Jr.
United States District Judge